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ORIGINAL

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12/10/01

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL ALLEN LEHMAN,

Petitioner

v.

ROBERT W. MEYERS,

Respondent

CIVIL NO. 01-1251

J. Dando

FILED
HARRISBURG

JUL 23 2001

MARY E. D'ANDREA, CLERK
Per *[Signature]*
DEPUTY CLERK

NOTICE OF ELECTION

I, Michael A. Lehman, movant in the captioned action, have read the order of court which accompanied this form entitled "Notice of Election." Pursuant to that order, I elect to proceed in this action as follows:

X

I have labeled my petition as one for writ of habeas corpus pursuant to 28 U.S.C. § 2254. I choose to have the court rule on my petition as filed. I understand that I may be forever barred from presenting in federal court any claim not presented in this petition. I further understand that by doing so I lose my ability to file a second or successive petition absent certification by the court of appeals, and that the potential for relief is further limited in a second or successive petition.

I have labeled my petition as one for writ of habeas corpus pursuant to 28 U.S.C. § 2254. I choose to withdraw my petition so that I may file one, all-inclusive petition under 28 U.S.C. § 2254 within the one-year limit for filing such a petition.

YOUR ELECTION ON THIS FORM, AS WELL AS THE FAILURE TO MAKE AN ELECTION, WILL BE BINDING ON YOU AS RELATES TO YOUR LITIGATION IN FEDERAL COURT OF ANY CLAIM RELATED TO THE CUSTODY YOU HAVE CHALLENGED. READ CAREFULLY THE ORDER ACCOMPANYING THIS FORM NOTICE OF ELECTION.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 20, 2001
(Date)

[Signature]
(Signature of Petitioner)